

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STATIC MEDIA LLC,

Plaintiff,

v.

LEADER ACCESSORIES LLC,

Defendant.

ORDER

18-cv-330-wmc

After this court granted summary judgment to defendant Leader Accessories, LLC, finding that a reasonable jury could not conclude that its stadium seat infringed the design patent in suit and entered judgment in its favor, plaintiff Static Media LLC filed a motion for sanctions under Federal Rule of Civil Procedure 37 on the basis that Leader and its counsel disclosed Static Media's confidential information in violation of the protective order previously entered in this case. (Dkt. #58.) Magistrate Judge Crocker granted the motion in part (dkt. #65), Leader appealed that decision to this court (dkt. #66), and this court affirmed the order and directed the parties to brief the amount of the sanction, leaving to Judge Crocker to set that amount (dkt. #71). Leader then appealed the amount of the sanction (dkt. #79), which this court denied and affirmed Judge Crocker's decision awarding sanctions and reset the deadline for payment to July 26, 2021. (7/1/21 Text Order (dkt. #81).)

For reasons that are not clear, Leader missed the deadline for payment, prompting plaintiff to file a motion for a finding of contempt on August 19, 2021. (Dkt. #86.) That motion, however, secured the attention of Leader and its counsel, and Leader overnighted the \$12,061.50 check to Static Media the next day, August 20, 2021. (Dkt. #89, Ex. B.)

In its reply in support of the motion, Static Media acknowledges the payment but contends that a finding of contempt and an additional sanction are warranted because Leader offers no reason for its failure to meet the penalty deadline, let alone a good reason.

While the court agrees that Leader's failure to pay timely the sanction could serve as a basis for an additional sanction, the court declines to sanction Leader and its counsel further. The court's July 26, 2021, deadline was in a text order, which, while it does not excuse Leader's failure to comply by the deadline, may have contributed to Leader's failure to meet that deadline. Once it was more clearly brought to Leader's attention in Static Media's motion for contempt, Leader complied promptly. On this record, the court concludes that further sanctions are not warranted. Accordingly,

IT IS ORDERED that plaintiff Static Media LLC's motion for contempt (dkt. #86) is DENIED.

Entered this 17th day of June, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge